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1st Session } No 110-50

THE
CONSTITUTION
OF THE
UNITED STATES
OF AMERICA
As Amended
Unratified Amendments
Analytical Index



PRESENTED BY MR. BRADY
OF PENNSYLVANIA

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SECTION 2. ¹The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

²No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

³Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.² The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

⁴When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

⁵The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. ¹The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof³ for six Years; and each Senator shall have one Vote.

²Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every

be put in operation, and an explanatory letter Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787, Pennsylvania, December 12, 1787, New Jersey, December 18, 1787, Georgia, January 2, 1788, Connecticut, January 9, 1788, Massachusetts, February 6, 1788, Maryland, April 28, 1788, South Carolina, May 23, 1788, New Hampshire, June 21, 1788, Virginia, June 25, 1788, and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789, and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

²The part of this clause relating to the mode of apportionment of representatives among the several States has been affected by section 2 of amendment XIV, and as to taxes on incomes without apportionment by amendment XVI.

³This clause has been affected by clause 1 of amendment XVII.

Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

⁷No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

⁸No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. ¹No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

²No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

³No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

SECTION 1. ¹The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

²Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

³The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall

lic Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

³The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION 2. ¹The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States will be a party;—to Controversies between two or more States;—between a State and Citizens of another State;¹⁰—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

²In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

³The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed, but when not committed

¹⁰ This clause has been affected by amendment XI

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immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.⁸

⁴The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

⁵No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

⁶In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office,⁹ the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

⁷The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

⁸Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. ¹The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

²He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other pub-

⁸This clause has been superseded by amendment XII

⁹This clause has been affected by amendment XXV.

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within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. ¹Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

²The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. ¹The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

²A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

³No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.¹¹

SECTION 3. ¹New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

²The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which,

¹¹ This clause has been affected by amendment XIII

in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

¹All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

²This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

³The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth

IN WITNESS whereof We have hereunto subscribed our Names,

G^o. WASHINGTON—Presid^t.

and deputy from Virginia

CONSTITUTION OF THE UNITED STATES

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[Signed also by the deputies of twelve States.]

Delaware

GEO. READ
GUNNING BEDFORD JUN
JOHN DICKINSON
RICHARD BASSETT
JACO BROOM

Maryland

JAMES M^CHENRY
DAN OF ST THO^S JENIFER
DAN^L CARROLL

Virginia

JOHN BLAIR
JAMES MADISON JR.

North Carolina

WM BLOUNT
RICH^D DOBBS SPAIGHT
HU WILLIAMSON

South Carolina

J RUTLEDGE
CHARLES COTESWORTH PINCKNEY
CHARLES PINCKNEY
PIERCE BUTLER

Georgia

WILLIAM FEW
ABR BALDWIN

New Hampshire

JOHN LANGDON
NICHOLAS GILMAN

Massachusetts

NATHANIEL GORHAM
RUFUS KING

Connecticut

WM SAM^L. JOHNSON
ROGER SHERMAN

New York

ALEXANDER HAMILTON

New Jersey

WIL. LIVINGSTON
DAVID BREARLEY
WM PATERSON
JONA. DAYTON

Pennsylvania

B FRANKLIN
THOMAS MIFFLIN
ROB^T MORRIS
GEO. CLYMER
THO^S FITZSIMONS
JARED INGERSOLL
JAMES WILSON
GOUV MORRIS

Attest: WILLIAM JACKSON *Secretary*

Pennsylvania General Assembly

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Statutes of Pennsylvania and the Constitution of Pennsylvania

Consolidated Statutes

The Laws of Pennsylvania contain laws enacted as amendments to the Pennsylvania Consolidated Statutes, the official statutory codification established by the General Assembly under the act of November 25, 1970 (P.L.707, No.230). These laws have been incorporated into a separate official publication since 1975.

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The Constitution of Pennsylvania

The Pennsylvania Constitution is the foundation of our state government. Our first Constitution was adopted in 1776 and was a framework for the U.S. Constitution, which did not take effect until 1789.

The complete text of the current state constitution is available in  [HTML](#),  [PDF](#), and  [Microsoft Word](#) formats. The history of all legislation affecting the Constitution is also available.

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Pennsylvania General Assembly

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- RELIGIOUS -

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American Ecclesiastical Law:

THE LAW

OF

RELIGIOUS SOCIETIES,

CHURCH GOVERNMENT AND CREEDS,

DISTURBING RELIGIOUS MEETINGS,

AND THE LAW OF

BURIAL GROUNDS

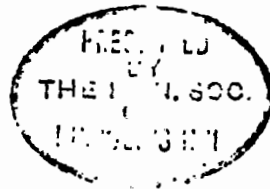
IN THE

UNITED STATES.

WITH PRACTICAL FORMS.

By R. H. TYLER, COUNSELOR-AT-LAW.

ALBANY:
WILLIAM GOULD, LAW BOOKSELLER AND PUBLISHER.
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1866.



Entered according to act of Congress, in the year one thousand eight hundred
and sixty-six,

By WILLIAM GOULD,

in the Clerks office of the District Court of the Northern District of New York.



C. VAN BENTHUYSEN & SONS,
Printers, Stereotypers and Binders,
407 Broadway, Albany.

TO THE
HONORABLE WILLIAM F. ALLEN,
THE ASTUTE LAWYER, THE SAFE COUNSELOR, THE EMINENT JUDGE,
AND THE CHRISTIAN GENTLEMAN,

THIS VOLUME IS
RESPECTFULLY AND GRATEFULLY INSCRIBED,

AS A
TESTIMONY OF RESPECT

FOR HIS
CHARACTER AND TALENTS, AND AN ACKNOWLEDGMENT OF THE
OBLIGATIONS WHICH I FEEL FOR THE AID OF HIS FRIENDSHIP,
WHICH IT HAS BEEN MY PRIVILEGE TO ENJOY FROM THE
EARLIEST PERIOD OF MY PROFESSIONAL LIFE.

R. H. T.

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incorporated, it is competent for any person belonging to that church, on behalf of himself and of all others belonging to that church and entitled to the use of the funds, to come into a court of equity to enforce the execution of the trust. And if the church consists of various congregations, any one or more of such congregations, being incorporated, may in like manner enforce the execution of the trust. (*Associate Reformed Church v. Trustees of Theological Seminary*, 3 Gr. C. R. 77.)

 CHAPTER XXXVI.

RELIGIOUS SOCIETIES IN PENNSYLVANIA—RIGHTS PRESERVED—
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AMENDED—POWERS OF A RELIGIOUS CORPORATION—CONVEY-
ANCES AND REQUESTS TO—TRUSTEES OF—PROPERTY OF, NOT
SUBJECT TO TAXATION—PROPERTY OF A DIVIDED CONGREGA-
TION—FORM OF CHARTER FOR THE SOCIETY.

§ 529. By the present Constitution of the State of Pennsylvania all the rights, privileges, immunities and estates of religious societies are preserved, and remain the same as though the Constitution of the State had not been altered or amended. (*State Const., Art. VII, Sec. 3.*)

§ 530. In the State of Pennsylvania, when any number of persons, who may be citizens of the commonwealth, are associated, or mean to associate, for any religious purpose, and may desire to become incorporated, they may prepare an instrument in writing, specifying therein the objects, articles, conditions and name, style or title under which they have associated or mean to associate, and exhibit the

same to the attorney-general of the commonwealth, who is required to peruse and examine the same, and then transmit the same, with a certificate thereon indorsed, testifying his opinion touching the lawfulness of the objects, articles and conditions therein set forth and contained, unto the Supreme Court of the commonwealth; and the said court is required thereupon to peruse and examine the said instrument, and to transmit it, with a certificate thereon endorsed, testifying also the opinion of the said court touching the lawfulness of the objects, articles and conditions therein set forth and contained unto the governor of the commonwealth. (*Purdon's Digest of 1862, 194, Sec. 1.*)

§ 531. If the attorney-general and the Supreme Court both certify their opinion as aforesaid to be that the objects, articles and conditions in such instrument set forth and contained are lawful, the governor must transmit the same to the master of the rolls, with an order thereon indorsed requiring him to enroll the same, at the expense of the applicants. Upon the enrollment of such instrument, the persons so associated, or meaning to associate, will, according to the objects, articles and conditions in the said instrument set forth and contained, become and be a corporation and body politic, in law and in fact, to have continuance by the name, style and title in such instrument provided and declared. (*Id.*)

§ 532. Any such persons desiring to become incorporated for religious purposes and objects, may in like manner prepare such instrument in writing, and present the same to the Court of Common Pleas of the proper county in which such religious corporation is intended to be situated; and the court is required to peruse and examine the same, and if the objects, articles and conditions therein set forth and contained shall appear lawful, and not injurious to the com-

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munity, such court must direct said writing to be filed in the office of the prothonotary of said court, and also direct notice to be inserted in one newspaper printed in the proper county, for at least three weeks, setting forth that an application has been made to said court to grant such charter of incorporation; and if no sufficient reason is shown to the contrary, the court may, at the next term thereafter, decree and declare, by an order indorsed on said instrument, attested in the usual manner by the prothonotary, under the seal of said court, that the persons so associated shall, according to the articles and conditions in said instrument set forth and contained, become and be a corporation or body politic; and further direct that said charter of incorporation shall be recorded in the office for the recording of deeds in said county. (*Ib.*, page 196, Sec. 11.)

§ 533. On the instrument aforesaid being recorded as aforesaid, the persons so associated, or meaning to associate, will, according to the objects, articles and conditions in such instrument set forth and contained, become and be a corporation or body politic in law and in fact, to have continuance by the name, style and title in such instrument provided and declared. The usual fees allowed by law for equal or similar services may be received by the respective county officers performing such services, and all the expense of procuring such charter of incorporation and recording the same, must be borne by the persons applying for the same. After such charter is recorded, the same must be duly certified to be recorded, and delivered over to the applicants, and a copy of the record, duly certified, is made as good evidence as the original might or could be. (*Ib.* and Sec. 12.)

§ 534. In case any religious corporation desires to improve, amend or alter its charter, it can do so by specifying the

improvements, amendments or alterations which are or shall be desired, and the same to exhibit and present to the attorney-general and Supreme Court as aforesaid, who must in like manner successively certify their opinion to the governor of the commonwealth touching the lawfulness of such improvements, amendments or alterations; and the same being certified, as aforesaid, to be lawful, must in like manner be directed by the governor to be enrolled by the master of the rolls at the expense of the applicant; and upon such enrollment the same will be taken and deemed to be a part of the instrument upon which such corporation was formed and established, to all intents and purposes as if the same had originally made a part thereof. (*Ib.* 195, *Sec. 2.*)

§ 535. The application to amend the charter of incorporation must be made by the corporation in its corporate capacity. And the proposed amendments are not to be deemed the act of the corporation, merely because the corporate seal is affixed. In case of question in regard to it, the court will look beyond the seal, and inquire in what manner and by what authority it was affixed. When there are different classes in the society, as in the Roman Catholic, the clerical and the lay, the majority of each class must consent before the charter can be altered, if there be no provision in the original charter respecting alterations. Neither can a charter be amended on the vote of a majority, at a stated meeting, convened without notice of the intended proposition to alter the charter. A notice that an alteration in the constitution will be proposed at a meeting, must be given to all parties interested; otherwise a bare majority will not be held sufficient. (*Case of St. Mary's Ch. 6 Serg. and Rawle*, 498; 7 *Ib.* 517; *National Literary Association*, 30 *Penn. S. R.* 150.)

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§ 536. When the original charter of a religious society is procured by application to the Court of Common Pleas as hereinbefore specified, the application for improving, amending or altering such charter will have to be made to the same court, or to the court of quarter sessions of the commonwealth, and similar proceedings had as upon the granting of the original charter. (*Purdon's Digest*, 1862, page 197, *Secs. 18 and 19.*)

§ 537. Every religious society duly incorporated, and the successors thereof, possess full power and authority to make, have and use one common seal, with such device and inscription as they may deem proper, and the same to break, alter and renew at their pleasure; and by the name, style and title provided and declared in the charter as aforesaid, will be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, and all and every matter or thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within the commonwealth, may or can do; and will be authorized and empowered to make rules, by-laws and ordinances, and to do everything needful for the good government and support of the affairs of such religious corporation; provided that such rules, by-laws and ordinances, or any of them, be not repugnant to the Constitution and laws of the United States, and of the commonwealth, or to the instrument upon which such corporation was formed and established. (*Ib.* 195, *Sec. 3.*)

§ 538. Every such religious corporation, by the name, style and title by it provided and declared as aforesaid, will also be able and capable in law, according to the terms and conditions of the instrument upon which the corporation

was formed and established, to take, receive and hold all, and all manner of lands, tenements, rents, annuities, franchises and hereditaments, and any sum and sums of money, and any manner and portion of goods and chattels, given and bequeathed unto it, to be employed and disposed of, according to the objects, articles and conditions of the instrument upon which the corporation is as aforesaid formed and established, or according to the articles and by-laws of the corporation, or the will and intention of the donors; provided, however, that the clear yearly value or income of the real and personal estate held by such religious corporation shall not at any time exceed the sum of five thousand dollars, or such other sum as is specified in the charter of such religious society. (*Ib.*, Secs. 4, 6, 7 and 8; also *Ib.* 145, Secs. 2 and 3; also *Ib.* 864, Sec. 2.)

§ 539. In ascertaining the annual value of the real and personal estate of a religious society, all vacant lots will be taken to be of the annual value at which they could be let upon ground-rent, or at the interest of the price at which they would sell for cash, and without sacrifice; and if occupied and yielding rent or income, then as of the annual value of such rent or income, or the valuation as vacant ground in manner aforesaid, whichever shall be of the greater amount; but no edifice used for worship, education, or an hospital, or the unproductive fund contained within the curtilage of such building, must be included in such valuation. (*Ib.*, 146, Sec. 3.)

§ 540. No estate, real or personal, can be bequeathed, devised or conveyed to any body politic, or to any private person, in trust for religious uses, except the same be done by deed or will, attested by two credible and, at the time, disinterested witnesses, at least one calendar month before the decease of the testator or alienor; and all dispositions of

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property contrary to this provision are declared void, and the property thus disposed of will go to the residuary legatee or devisee, next of kin or heirs, according to law; provided that if the grantee of such property shall dispose of the same within said period, *bona fide* and upon a fair and valuable consideration, such disposition will not be avoided. (*Ib.*, 866, *Sec.* 10.)

§ 541. No bishop or other ecclesiastic, in any church, can hold any real or personal estate in the commonwealth, with a capacity to transmit the title thereof to his successor in office, otherwise than as any other individual holding the same in his private or natural capacity might do, and whenever any property, real or personal, shall be bequeathed, devised or conveyed to any ecclesiastical corporation, bishop, ecclesiastic or other person, for the use of any church, congregation or religious society, for religious worship or sepulture, or the maintenance of either, the same cannot be otherwise taken and held, or inure, than subject to the control and disposition of the lay members of such church, congregation or religious society, or such constituted officers or representatives thereof as shall be composed of a majority of lay members, citizens of Pennsylvania, having a controlling power, according to the rules, regulations, usages or corporate requirements thereof, so far as consistent herewith, and every charter granted by any court to any church, congregation or religious society, must require such property to be taken, held, and to inure, subject as aforesaid, or it will be void. (*Ib.*, 865 and 866, *Secs.* 8 and 9.)

§ 542. The majority, however, of the male members, of lawful age, of any unincorporated church, congregation or religious society, may choose for their trustee or trustees, any other person or persons than a layman; and whenever not previously declared, they may declare the manner in

which the title to their trust property shall be held and conveyed, and upon due proof of such consent, any court having jurisdiction over trusts, may direct the legal title to be conveyed accordingly. (*Ib.*)

§ 543. No disposition of property made for any religious use, will fail for want of a trustee, or by reason of the objects being indefinite, uncertain, or ceasing or depending upon the discretion of a lost trustee, or being given in perpetuity, or in excess of the annual value limited by law; but it is the duty of any orphan's court, or court having equity jurisdiction in the proper county, to supply a trustee, and by its decree to carry into effect the intent of the donor or testator so far as the same can be ascertained, and carried into effect consistently with law or equity; for which purpose the proceeding must be instituted by leave of the Attorney General on the relation of the society or individual desirous of carrying such disposition into effect, and willing to become responsible for the costs thereof, subject to an appeal as in other cases. (*Ib.*, 145, *Sec. 1.*)

§ 544. If the objects of the trusts last aforesaid be not ascertainable, or have ceased to exist, or such disposition be in excess of the annual value permitted by law, or in perpetuity, such disposition, so far as exceeding the power of the courts to determine the same by the rules of law or equity, will be taken to have been made subject to be further regulated and disposed of by the Legislature, in manner as nearly in conformity with the interest of the donor or testator, and the rules of law against perpetuities, as practicable, or otherwise to accrue to the public treasury for the public use. (*Ib.*)

§ 545. All churches, meeting-houses or other regular places of stated religious worship, with the pews thereto annexed

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for the occupancy and better enjoyment of the same, and all burial grounds belonging to any religious society or congregation, are exempt from all and every county, road, city, borough, town and school tax; though such exemption is restricted to five acres of land, together with the improvements thereon, and any excess of that amount of land will be liable to be taxed. (*Ib.*, 942, *Secs. 73 and 74.*)

§ 546. The title to the church property of a divided congregation, is in that part of it which is acting in harmony with its own law; and the ecclesiastical laws, customs, usages and principles which were accepted among them, before the dispute began, are the standard for determining which party is right. (*McGinnis v. Watson*, 41 *Penn. S. R.*, 9.)

§ 547. The charter of a religious society may be in the following form:

"We, the undersigned, citizens of the commonwealth of Pennsylvania, having associated ourselves together for religious purposes, desire to become incorporated as a religious society, and do hereby adopt and agree to be bound by the following articles of association, viz:

First. The name, style or title of the association under which they have associated is and shall be 'The First Presbyterian Church of Pittsburg.'

Second. The objects of the association are and shall be to maintain divine worship according to the rites of the Presbyterian church in the United States.

Third. The location of the house of worship of the society shall be in the city of Pittsburg, in the county of Alleghany.

Fourth. The temporal concerns of the society shall be managed by nine trustees, who shall all be members of the society, and shall hold their office for the term of three years, and shall be divided into three classes, so that three of their number shall be elected every year.

[Here add any other articles or conditions desired.]

Witness our hands at Pittsburg this day of 18 ."
(Signatures.)